

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GREEN TREE SERVICING, LLC, a
Delaware limited liability company, f/k/a
CONSECO FINANCE SERVICING
CORPORATION,

Plaintiff,

v.

MARIA J. SHOEMAKER and All Occupants
of the Premises located at 5348 Southeast
Country Club Way, Port Orchard, Washington
98367,

Defendants/Third-Party
Plaintiff,

v.

CRAIG L. JONES and LAWRENCE A.
COSTICH, individually, and as agent for
CONSECO FINANCE SERVICING
CORPORATION f/k/a GREEN TREE
FINANCIAL SERVICING
CORPORATION, LAWRENCE COSS, et
al.,

Third-Party
Defendants.

Case No. C05-5410RJB

ORDER RENOTING
MOTION FOR REMAND
AND MOTION TO
DISMISS

This matter comes before the court on Green Tree Servicing, LLC's Motion for Remand. Dkt. 3.
The court has considered the relevant documents and the remainder of the file herein.

On June 13, 2005, defendant Maria Janet Moffit Shoemaker removed this civil case from Kitsap
County Superior Court to the federal court. Dkt. 2. Ms. Shoemaker also filed a document captioned Libel
of Review/Counterclaim in Admiralty, which the court has considered to be a counterclaim. Dkt. 1.

1 On June 23, 2005, Green Tree Servicing, the plaintiff in the civil action initiated in Kitsap County
2 under Kitsap County Cause No. 05-2-1142-6, filed a motion for remand, requesting (1) that the court
3 remand this unlawful detainer action to state court because there is no diversity of citizenship, the amount
4 in controversy does not exceed \$75,000, and only the state court has jurisdiction, pursuant to RCW
5 59.12.010 et seq. over the issues in the unlawful detainer action; (2) award attorney's fees and reasonable
6 expenses pursuant to 28 U.S.C. § 1447(c) and/or sanctions pursuant to Fed.R.Civ.P. 11; and (3) dismiss
7 Ms. Shoemaker's third-party claim pursuant to Fed.R.Civ.P. 8 and Fed.R.Civ.P. 12(b)(6), and award
8 sanctions pursuant to Fed.R.Civ.P. 11. Dkt. 3.

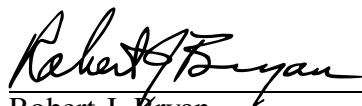
9 Green Tree's motion for remand was noted for July 8, 2005. See Dkt. 3. However, since Green
10 Tree is requesting, at least in part, that Ms. Shoemaker's third-party claim be dismissed, the motion should
11 be considered as a dispositive motion, properly noted for the fourth Friday after filing. See Local Rule CR
12 7(d)(3). Accordingly, the motion for remand should be noted for July 15, 2005.

13 Therefore, it is hereby

14 **ORDERED** that Green Tree Servicing, LLC's Motion for Remand (Dkt. 3) is **RENOTED** for
15 consideration on the court's July 15, 2005 calendar. Ms. Shoemaker may file a response to the motion not
16 later than July 11, 2005. Green Tree Servicing may file a reply by July 14, 2005.

17 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
18 party appearing *pro se* at said party's last known address.

19 DATED this 28th day of June, 2005.

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22 Robert J. Bryan
U.S. District Judge
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